

b. Aquaculture unit license, resident

.....\$ 25.00

Sec. 11. Section 110.1, subsection 6, Code Supplement 1991, is amended by adding the following new paragraph after paragraph b and relettering the remaining paragraphs:

NEW PARAGRAPH. c. Nonresident aquaculture unit license

.....\$ 50.00

Sec. 12. Section 805.8, subsection 5, paragraph d, Code 1991, is amended to read as follows:

d. For violations of sections 109.7, 109.47, 109.52, 109.53, 109.55, 109.58, 109.63, ~~109.64~~, 109.76, 109.81, 109.90, 109.91, 109.97, 109.122, 109.126, 109.142, 109B.8, and 110.37, the scheduled fine is fifty dollars.

Sec. 13. Sections 109.49 and 109.64, Code 1991, are repealed.

Approved May 19, 1992

CHAPTER 1217

REGULATION OF PETROLEUM STORAGE TANKS AND RELATED PROVISIONS

H.F. 2417

AN ACT relating to groundwater professionals, exempting certain aboveground tanks from payment of the environmental protection charge and providing a refund, relating to the underground storage tank fund board and the board's authority for certain expenditures from the fund, relating to underground storage tank contracts by requiring public bid and board approval of certain contracts, relating to remedial authority of the department of natural resources, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 422.43, subsection 11, unnumbered paragraph 3, as enacted by 1992 Iowa Acts, Senate File 2116,* section 406, is amended to read as follows:

For purposes of this subsection, "consultant services" means services provided, except as otherwise stated in this paragraph, by a person who purports to give expert or professional advice on any subject including, but not limited to, advice on audiovisual, business, computer and data processing, insurance, management, marketing, security, and weather and meteorology. "Consultant services" does not mean services provided by a person licensed, registered, or certified by boards listed in section 258A.1, or licensed under chapter 80A, 152A, 154C, 522, or 602, article 10, or registered under section 455G.18, if the services provided come within the purview of such person's license, registration, or certification.

Sec. 2. Section 424.2, subsections 5, 9, and 12, Code Supplement 1991, are amended to read as follows:

5. "Depositor" means the person who deposits petroleum into an underground storage tank subject to regulation under chapter 455G or an aboveground petroleum storage tank as defined in section 101.21, located at a retail motor vehicle fuel outlet if the aboveground storage tank is physically connected directly to pumps which dispense petroleum that is sold at the motor vehicle fuel outlet on a retail basis.

9. "Owner or operator" means "owner or operator" of an underground storage tank as used in chapter 455G or the "owner" or "operator" of an aboveground petroleum storage tank as defined in section 101.21, located at a retail motor vehicle fuel outlet if the aboveground storage tank is physically connected directly to pumps which dispense petroleum that is sold at the motor vehicle fuel outlet on a retail basis.

*Chapter 1232 herein

12. "Tank" means an underground storage tank subject to regulation under chapter 455G or an aboveground petroleum storage tank as defined in section 101.21, located at a retail motor vehicle fuel outlet if the aboveground storage tank is physically connected directly to pumps which dispense petroleum that is sold at the motor vehicle fuel outlet on a retail basis.

Sec. 3. Section 455G.4, subsection 1, Code Supplement 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. The director of the legislative fiscal bureau, or the director's designee. The director under this paragraph shall not participate as a voting member of the board.

Sec. 4. Section 455G.4, Code Supplement 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 4. PUBLIC BID. All contracts entered into by the board, including contracts relating to community remediation, shall be awarded on a competitive basis to the maximum extent practical. In those situations where it is determined that public bidding is not practical, the basis for the determination of impracticability shall be documented by the board or its designee. This subsection applies only to contracts entered into on or after July 1, 1992.

NEW SUBSECTION. 5. CONTRACT APPROVAL.

a. The board shall approve any contract entered into pursuant to this chapter if the cost of the contract exceeds seventy-five thousand dollars.

b. A listing of all contracts entered into pursuant to this chapter shall be presented at each board meeting and shall be made available to the public. The listing shall state the interested parties to the contract, the amount of the contract, and the subject matter of the contract.

c. The board shall be required to review and approve or disapprove the administrator's failure to approve a contract under section 455G.12A. Review by the board shall not be required for cancellation or replacement of a contract for a site included in a community remediation project or when an emergency situation exists.

Sec. 5. Section 455G.5, unnumbered paragraph 1, Code 1991, is amended by striking the paragraph and inserting in lieu thereof the following:

The board shall administer the fund. A contract entered into on or after July 1, 1992, to retain a person to act as the administrator of the fund shall be subject to public bid. All other contracts to retain a person under this section shall be in compliance with the public bidding requirements of section 455G.4, subsection 4.

Sec. 6. Section 455G.6, subsection 15, Code 1991, is amended to read as follows:

15. a. Subject to the terms of any bond documents, moneys in the fund or fund accounts may be expended for administration expenses, civil penalties, moneys paid under an agreement, stipulation, or settlement, and for the costs associated with sites within a community remediation project, for costs related to contracts entered into with a state agency or university, costs for activities relating to litigation, or for the costs of any other activities as the board may determine are necessary and convenient to facilitate compliance with and to implement the intent of federal laws and regulations and this chapter.

b. The authority granted under this subsection which allows the board to expend fund moneys on an activity the board determines is necessary and convenient to facilitate compliance with and to implement the intent of federal laws and regulations and this chapter, shall only be used in accordance with the following:

(1) Prior board approval shall be required before expenditure of moneys pursuant to this authority shall be made.

(2) If the expenditure of fund moneys pursuant to this authority would result in the board establishing a policy which would substantially affect the operation of the program, rules shall be adopted pursuant to chapter 17A prior to the board or the administrator taking any action pursuant to this proposed policy.

Sec. 7. Section 455G.9, subsection 1, paragraph e, Code Supplement 1991, is amended by striking the paragraph.

Sec. 8. Section 455G.11, subsection 8, Code Supplement 1991, is amended to read as follows:

8. Account expenditures. Moneys in the insurance account may be expended for the following purposes:

a. ~~To~~ to take corrective action for and to compensate a third party for damages, including but not limited to payment of a judgment for bodily injury or property damage caused by a release from a tank, where coverage has been provided to the owner or operator from the insurance account, up to the limits of coverage extended. A personal injury is not a compensable third-party liability damage.

b. ~~For the costs of any other activities as the board may determine are necessary and convenient to facilitate compliance with and to implement the intent of federal laws and regulations and this chapter.~~

Sec. 9. NEW SECTION. 455G.20 FINAL APPROVAL.

Notwithstanding any other provision to the contrary, the department of natural resources shall have final approval for a determination as to when remediation shall begin on a site.

Sec. 10. The department of revenue and finance shall refund the amount of the environmental protection charge on petroleum diminution paid pursuant to chapter 424, as authorized by 1991 Iowa Acts, chapter 252, section 2, for aboveground storage tanks located at retail motor vehicle fuel outlets that are not physically connected directly to pumps which dispense petroleum that is sold at the motor vehicle fuel outlet on a retail basis.

Sec. 11. Sections 1, 2, and 10 of this Act, being deemed of immediate importance, take effect upon enactment.

Approved May 19, 1992

CHAPTER 1218

WASTE TIRE MANAGEMENT

H.F. 2475

AN ACT relating to waste tire management, including the imposing of fees, providing a penalty, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 9B.1, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. A certificate of registration shall at all times be carried and displayed in the vehicle used for transportation of waste tires and shall be shown to a representative of the state department of transportation, upon request. The state department of transportation may inspect vehicles used for the transportation of waste tires and request that the certificate of registration of the waste tire hauler be shown, upon request.

Sec. 2. Section 455B.423, subsection 2, Code Supplement 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. For the administration of the waste tire collection or processing site permit program.